

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. It is acknowledged that reference AP from the IDS filed 6/22/06 has been submitted. A new initialed copy is included in this response.

### **Response to Arguments**

2. Applicant's arguments, see pp. 9-12, filed 3/4/11, with respect to claims 1 and 8-10 have been fully considered and are persuasive. The rejection of the claims 1-5 and 7-10 has been withdrawn.

### ***Allowable Subject Matter***

3. **Claims 1-5 and 7-10** are allowed.

4. The following is an examiner's statement of reasons for allowance:

5. Regarding claim 1, the prior art of record does not appear to teach the amended features of the independent claims. Suito et al., US 2002/0054242 A1 (previously cited), teaches a commercial detection feature, wherein a quiet threshold is modified based on an AGC signal (see ¶ 0078-0084). The AGC signal is used to modify the threshold, while considering the noise level in the signal (see ¶ 0084). Suito et al., does not teach a minimum hold value as a threshold with the claimed features. In a prior action, Stella et al., US 7,356,464 B2, is relied upon to show an adaptive audio threshold for detecting commercials (see

column 2, lines 9-33, column 4, lines 23-65, and column 6, lines 35-50). Stella makes obvious the gradually increase of the threshold over a window size W, and also teaches a likelihood function to confirm the detection which used the adaptive audio threshold mentioned previously (see column 5, line 1 – column 6, line 50). The combination of Suito et al. and Stella et al. does not make obvious the features of changing "the predetermined rate of increasing the minimum hold value, such that after a minimum time, during which the particular program can be detected, has elapsed since a time when the audio data is the minimum value, the minimum hold value is clipped at an audio level determined by the detection sensitivity determined by the detection sensitivity determining section". The detection sensitivity section is taught by Suito et al., but Stella et al. does not teach or make obvious this modification, because Stella et al. does not appear to teach or make obvious the increasing the minimum hold value to a clipped level as presently understood.

6. Regarding **claims 2-5 and 7**, see the preceding argument with respect to claim 1. These claims are allowable because they depend on claim 1.
7. **Claims 8-10** are allowable for the same reason as claim 1, because they share similar language for the allowable features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 10 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davetta W. Goins can be reached on (571)272-2957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/  
Examiner, Art Unit 2614

/DAVETTA W. GOINS/  
Supervisory Patent Examiner, Art Unit 2614